

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**AVENTIS PHARMACEUTICALS INC. and  
SANOFI-AVENTIS US LLC,**

**Plaintiffs,**

**v.**

**BARR LABORATORIES, INC.**

**Defendant.**

**C.A. No. 06-286 (GMS)**

**STIPULATION AND PROTECTIVE ORDER  
REGARDING WRITTEN DISCOVERY OF EXPERTS**

WHEREAS the Scheduling Order entered by the Court provides that expert discovery shall be initiated so that it will be completed on or before March 7, 2008; and

WHEREAS, the parties are willing to agree to certain limitations on the scope of written discovery of experts in order to avoid consuming the parties' and Court's time and resources in relation to potential discovery issues relating to experts;

IT IS HEREBY STIPULATED by and between the parties, subject to the approval of the Court, that the following shall apply to expert discovery.

1. With regard to disclosures of expert testimony pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, only the final written report prepared by and signed by the witness shall be subject to discovery under Rules 33 and 34; draft reports, notes, and other documents prepared by the witness in relation to the report shall not be discoverable.

2. Information, documents, or other facts considered by or relied upon by an expert in formulating the opinions set forth in those expert reports shall be subject to discovery under Rules 33 and 34.

3. Communications between an expert and counsel, other than information, documents, or other facts considered or relied upon by the expert, shall not be subject to discovery under Rules 33 and 34.

4. Documents relating to compensation of the expert shall be subject to discovery under Rules 33 and 34.

5. Nothing in this stipulation shall limit discovery (whether under Rules 33 and 34 or otherwise) of factual information known to a witness or documents that are in the possession, custody, or control of a witness in any capacity other than in relation to the presentation of Rules 702, 703, or 705 of the Federal Rules of Evidence.

6. During depositions of experts, the parties shall be allowed to obtain discovery of relevant information beyond the opinions and underlying bases expressed in the expert reports, including but not limited to discovery that would be relevant to establishing bias, competence, and identification of issues on which an expert will not be testifying.

ASHBY & GEDDES

YOUNG CONAWAY STARGATT  
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*/s/ John G. Day*

*/s/ Karen L. Pascale*

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*Attorneys for Plaintiffs*

*Attorneys for Defendant Barr  
Laboratories, Inc.*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2007.

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United States District Judge

**CERTIFICATE OF SERVICE**

I, Karen L. Pascale, Esquire, hereby certify that on January 12, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on January 12, 2007, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

**By E-Mail**

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